

REMARKS

In the Office Action, Claim 4 was indicated to be allowable if rewritten in independent form. While Applicants' appreciate the Examiner's acknowledgement of this allowable subject matter, Applicants respectfully submit that all of the pending claims are allowable, as amended above, for the reasons that follow.

Claims 1-12 and 14-21 are currently pending. Claims 1-3 and 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Swanson et al. in view of Mullaney et al., and Claims 8-12 and 14-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Swanson et al. in view of Mullaney et al. and further in view of Yin et al. Applicants still contend that the proposed combinations are improper because, among other things, Swanson et al. teaches away from the proposed combinations. While Swanson et al. does disclose a form of an enclosure for use with a fiber optic patch, the type of enclosure disclosed by Swanson et al. is a relatively small enclosure that is only designed to contain a portion of *one end of the fiber optic cable* and a portion of *one end of the fiber optic patch*. (Column 3, lines 25-38). Indeed, the only embodiment disclosed or suggested by Swanson et al. is one that includes *two separate enclosures that each* enclose *one end of the fiber optic cable* and a portion of *one end of the fiber optic patch*. (Column 3, lines 25-38). Thus, Swanson et al. teaches away from a single enclosure that includes an internal cavity that is adapted to receive first and second mechanical fiber optic splicers, the fiber optic patch, and the first and second ends of the fiber optic cable, as recited in Claim 1. For at least this reason, Claims 1-12 and 14-21 are patentable over the proposed combinations.

Moreover, as noted in a previous response, there is no motivation to replace the multiple enclosures disclosed in Swanson et al. with the single enclosure recited in Claims 1, 8, and 17, as

proposed by the Examiner. As noted above, Swanson et al. does not disclose such an enclosure. Moreover, while Mullaney et al. discloses an enclosure for use with a fiber optic cable, it fails to disclose or suggest that the enclosure could be used to enclose two ends of a fiber optic cable as well as a fiber optic patch. Indeed, Mullaney et al. discloses splicing one end of a cable to one end of another cable. Thus, neither Swanson et al. nor Mullaney et al. provide any motivation to make the combination proposed by the Examiner. Accordingly, the Examiner's proposed modification of Swanson et al. that replaces the two enclosures disclosed in Swanson et al. with a single enclosure, as recited in Claims 1, 8, and 17, is improper. Claims 1-12 and 14-21 are patentable over the proposed combination for these reasons, as well.

Even if the Examiner's proposed combination could be made, Claims 1-12 and 14-21 are patentable over the proposed combination for at least the following reasons. Claims 1, 8, and 17 have been amended to recite that the splice housing has two ends with openings formed in both ends to allow two portions of the same cable to pass through the openings and into the internal cavity of the splice housing so that the ends of the cable can be connected to a patch using mechanical splicers. None of the references cited by the Examiner, either alone or in combination disclose this feature. As noted above, the only enclosure disclosed in Swanson et al. that includes any openings for allowing a cable to pass therethrough, are the relatively small enclosures (20, 24) that receive one end of first cable (i.e. 8) and one end of a second cable (i.e. 18). In addition, the only system disclosed in Swanson et al. requires the use of two of the relatively small enclosures to enclose the junctions of the different ends of the multiple cables. Thus, Swanson et al. does not disclose the type of splice enclosure recited in Claims 1, 8, and 17.

Similarly, the preferred embodiment disclosed in Mullaney et al. is an enclosure for a “butt splice” that includes openings in one end of the enclosure. This embodiment is clearly different from the enclosure recited in Claims 1, 8, and 17. Also, while Mullaney et al. includes a passing reference to an “in-line” splice in the Background of the Invention (Col. 1, lines 29-31) it states that that type of closure is designed to allow different cables to pass through the different ends of the closure. Mullaney et al. does not disclose or suggest that two ends of the same cable be allowed to pass through different ends of a single enclosure so that they can be joined with one another through the use of a patch and mechanical splicers as recited in Claims 1, 8, and 17. Accordingly, neither Swanson et al. nor Mullaney et al. disclose or suggest a splice housing that has two ends with openings formed in both ends to allow two portions of the same cable to pass through the openings and into the internal cavity of the splice housing so that the ends of the cable can be connected to a patch using mechanical splicers, as recited in Claims 1, 8, and 17. Thus, all of the pending claims are patentable over the proposed combinations for at least these reasons.

With respect to Claims 2, 14, and 20, they all recite the use of protective housing that defines an internal cavity and that is adapted to receive the splice housing within its internal cavity. Thus, these claims all recite enclosing first and second ends of a fiber optic cable, first and second mechanical fiber optic splicers, and a fiber optic patch with an internal cavity of a splice housing and then enclosing the splice housing in a protective housing. None of the references cited by the Examiner disclose such a kit or method. Accordingly, Claims 2, 14, and 20 are patentable over the proposed combinations for these reasons as well.

In view of the above amendments and remarks, Applicants submit that this case is in condition for allowance. If the Examiner feels that a telephone interview would be helpful in resolving any remaining issues, the Examiner is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jason C. White", is written over a horizontal line.

Jason C. White

Registration No. 42,223

Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610